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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,592	12/05/2003	Masayoshi Miyamoto	245887US2CONT	7493
22850	7590	07/18/2008		
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			EXAMINER JUNG, DAVID YIUK	
			ART UNIT 2134	PAPER NUMBER
			NOTIFICATION DATE 07/18/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
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# Office Action Summary

Application No.

10/727,592

Applicant(s)

MIYAMOTO ET AL.

Examiner

David Y. Jung

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 20 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☐ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date 1/2008
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-19 are presented.

### ***Response to Arguments***

Despite what appears to be a good faith attempt on part of Applicant for an allowance, the outcome is unfavorable for an allowance. Thus, Applicant is hereby noted that inquiries concerning this communication or earlier communications from the examiner may be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

Applicant has submitted an amendment and arguments along with the amendments.

1. As in the previous amendments, Applicant has argued (in this amendment at pages up to page 11) that Kato doesn't teach the storage of user data and image data together. Again, Kato was explicitly noted in the previous Office Action as not teaching the storage of user data and image data together in the sense of the claim. Instead, Nagashima was cited for storing the user data and image data together when combined with the teachings of Kato.
2. As in the previous amendments, Applicant seems to assert (in this amendment at page 11) that a mechanical combination of Kato and Nagashima would not produce the claimed invention. This may be. Again, the rejection was based upon combination of the teachings of Kato and Nagashima rather than a

mechanical combination of the specific embodiments of the two disclosures.

Thus, Applicant's argument is insufficient.

3. At pages 12-13, Applicant states that the previous Office Action presented "mere conclusions" without "evidence." Surely, Applicant is not willing to dispute the assumed facts – which are elementary in nature so as to cause doubt as to the validity of the dispute. Unless Applicant is willing to dispute the facts and thereby risk validity or at least potential credibility upon allowance of the case, Applicant's argument on this situation cannot be accepted. As an example, Applicant seems to assume that the art of operator interface is (whether it be from ATM, camera, etc.) is to be placed only in isolation within the very narrow fields of each reference's endeavor. This aspect of Applicant's arguments is particularly false because the art of operator interface has a tendency (and even pressure) towards convergence. Thus, the operator interfaces usually move in same direction. As for Kato and Nagashima, this means that the operator interfacing of these references may be more broadly combined than seems to be assumed by Applicant.
4. As in the previous amendments, Applicant's best argument seems to be that Nagashima's teaching of password handling that would match user information with image would not be entirely applicable to the situation of the teachings of Kato so as to teach the claimed invention. Applicant has noted the following regarding the claimed invention: the selection and matching and storage of identification information regarding image and user precedes the actual image

handling (that the selecting of identification data allocated with and stored with the corresponding image data is done prior to starting the operation that produces the corresponding image data) . At this moment, Applicant has not been sufficiently persuasive because one would naturally assume such order; identification would precede the actual image handling. Without identification, there is no security or even accuracy. Unless identification precedes the image handling, what would be the point of identification?

## CLAIM REJECTIONS

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kato (US Patent 6,141,111) and Nagashima (US Patent 6,438,574).

Regarding claim 1, Kato teaches "A data transmission apparatus in a data processing device, comprising: a user identification selection unit configured to select user identification data including an operator ID for using the data processing device and owner IDs for giving authorization to access corresponding image data captured by the

data processing device; and a user management unit configured to allocate the selected user identification data to the corresponding image data and [ ] time the corresponding image data is captured, wherein the user identification data is selected by the identification selection unit before the capture of the corresponding image data by the data processing device is started (figure 5, step s1; column 6, lines 6-16: i.e., image is taken using camera)."

These passages of Kato do not teach "store the selected user identification data allocated to the corresponding image data along with the corresponding image data in a storage device each time" in the sense of the claim. Whereas Kato does teach at least a temporary association of the user ID with the image data, these passages of Kato does not make certain that the user ID and the image data are permanently stored together.

Nagashima teaches to "store the selected user identification data allocated to the corresponding image data along with the corresponding image data in a storage device each time (figures 6-11, each of figures 6-11 showing a password/card for identifying user" for the motivation security (such as from password). If a password/card is required, then the system must have stored the password/card somewhere.

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of Kato and of Nagshima for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Claims 1, 7, 10, 15, 18, 19 are independent claims.

Regarding claim 7, such (touchpad/input history, etc.) is well known in the art for the motivation of security<sup>1</sup> and of ease of use.

Regarding claim 10, this claim is broader than claim 1. For the reasons noted in the rejection of claim 1, this claim 10 is unpatentable.

Regarding claim 15, this claim is broader than claim 7. For the reasons noted in the rejection of claim 7, this claim 15 is unpatentable.

Regarding claims 18, 19, such (scanner, etc.) is a well known for the motivation of capturing image.

Claims 2-6, 11-14 deal with various choosing among user ID data. Such choosings are well known in the art for the motivation of easier accommodation of multiple users.

Claims 8-9, 16-17 deal with data consistency (update of claim 8, new user data of claim 9, etc.). Such data consistency is well known in the art for the motivation of preventing data corruption.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

### ***Points of Contact***

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<sup>1</sup> This is so common that many ATM systems have such a feature.

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**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

/David Y Jung/

Acting Examiner of Art Unit 2134



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David Jung

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Patent Examiner

7/16/08